

Before The  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D. C.

)  
In The Matter Of )  
 ) MM Docket 99-25  
Creation of a Low Power Radio Service )  
 )

REPLY COMMENTS FILED BY:

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PRIMARY STATUS FOR LOW POWER FM

In response to the numerous full power broadcasters, state  
organizations and national organizations who speak of the  
exceptional local coverage the translator station offers, I have

deep admiration for their level of service, but I have many questions as well.

Obviously many dedicated broadcasters are involved with translator operations. They work hard to incorporate the small isolated communities they serve in their daily programming offering what is likely the only 'over the air' radio link to the world.

The great local service they offer on their translators, they feel, would not be offered by the Low Power FM, so they feel Low Power FM should remain secondary.

I have visited a number of LPFM stations and spoken with many more over the phone. I have firsthand knowledge of LPFMs broadcasting live local school sports, live coverage of community events and live broadcasts of city council meetings. I found many stations broadcasting local news and information, offering a forum to hash out local concerns, weather reports and emergency information from the same source as the full power radio station, the Emergency Alert System. I found unique community tailored entertainment, frequently offering niche programming not found elsewhere on the dial. I found local Christian stations offering the same style of programming found on Ministry owned translators with one exception: the listeners had a physical location in their neighborhood where the station originated in lieu of a toll-free phone number at the home office. Obviously, the Christian station is designed to serve the Christian and encourage the non-Christian to join the 'flock'. The LPFM, then, offers a local point of contact for the 'unsaved'.

It is clear to me that Low Power FM can provide a level of local service far beyond the scope of local service a translator can provide, according to FCC Rules and Regulations.

I agree with the 'fill in' translator operators that their service should not be threatened by LPFM. I agree that statewide public radio broadcasters do a fine job as well and deserve to be free from losing their translators. I consider their concern unfounded. The commenters in fear of losing their translator to a

LPFM if LPFM is granted Primary status, are in locations where numerous frequencies are available for the Low Power FM to choose. Obviously, it would not be the FCC's agenda to trade translators for LPFMs when both services could easily provide service to the same community. So, the point of keeping LPFM secondary is moot.

One commenter let the cat out of the bag, so to speak. They pointed out construction costs of \$10,000 to \$25,000 for a translator and revenue of \$60,000 a year on average for each translator as a demonstration of the 'need' for the translator. This tells me their concerns are 'financial' and not based in a fear of their communities losing the translator service.

We know some organizations have abused the concept of the translator, contrary to the spirit of the rules of the FCC. When I have seen hundreds and even thousands of applications by the same organization, I asked myself why the FCC did not require proof of financial ability to build out and operate each application.

I read how LPFM should remain secondary because LPFM broadcasters use home brew transmitters and antennas. It was implied they were not dedicated broadcasters. In my reading of the LPFM rules, I found transmitters were held to the same high standard as the translator station. Funny, nobody complained about translators. Why?

In my visits and calls to many LPFMs, I found former full power station owners. I have firsthand knowledge that virtually all LPFM licensees are dedicated broadcasters not unlike, but the same as the commenters who discourage Primary status for LPFM. Very few licensees are groups without broadcast experience, but I find these groups very dedicated to serving their community. As we know, the radio broadcaster is in radio, not for the money, but to serve the community and make a difference in the quality of life in their town or area. It puts broadcasters in the same category as the law enforcement member, teacher or politician. The motivation is the ability to make a positive contribution to the quality of life.

I am perplexed by comments saying translators offer valued programming and niche programming. Am I to understand LPFM is not capable of offering the same? I suppose I know a bit more than these broadcasters as I know stations that play local music, celebrate the local culture, heritage and history. I know LPFMs that 'super serve' their communities far beyond the level a translator is permitted. In fact, this valued and niche programming, in some instances, is on the LPFM as well. The commenters fail to realize one very important detail (and this shocks me): to have a successful station, you must serve the community. There is no other choice for the LPFM but the translator is run by a full power station that must serve its community to be successful unless they're pulling a 'Jukebox Radio'. Jukebox Radio originated from a full power station but its programming was intended for the translators it was carried over. Thus, the whole emphasis of Jukebox Radio was to sell time and serve the areas covered by the translators. The FCC definitely frowned upon this and, from what I read, took action.

Obviously, for LPFM to become "Primary" some changes in FCC Rules are in order. I feel "fill in" translators should be protected from encroachment. Public Radio that daisy chains the state needs a level of protection, but those who simply 'let their satellite feed play' should have no protection. I am not saying national programming is bad. I am saying that local, responsive programming is definitely a much better choice over a national programmed translator when a choice of 'either or' must be made. I believe this to be in harmony with the FCC's agenda.

I believe LPFM becoming "Primary" should come with a price: full Emergency Alert System participation. This eliminates the concern of many commenters although in situations where a need to broadcast emergency information occurs, I have found the LPFM already rises to the challenge (ie: the tsunami scare along the West Coast when one LPFM offered 'around the clock' coverage). It is my understanding that translators are not required to participate in EAS.

I urge the FCC to allow Primary Status to Low Power FM, requiring full EAS participation. The point is moot that translators should be equal to local service.

### 3rd ADJACENT QUESTION

I noted some commenters spoke of the increased interference LPFM causes and how 3rd Adjacent LPFMs should not be allowed. I think these commenters show a lack of candor whether by ignorance or intention.

If LPFM causes the interference described by some, then why is it 100 watt FM stations interfere but translators at 250 watts and other full power stations do not.

If translators on 3rd adjacents using the contour to contour method at 250 watts using the same certified transmitters as LPFMs do not cause interference, how is it the Lower Power FM station, utilizing the more conservative minimum distance method on a 4th adjacent causes such interference? Why then do full power FMs not cause interference equal to their effective ERP?

On the same token, if translators at 250 watts can locate on 3rd adjacents using the more liberal contour to contour and do not interfere, then why, then, would a station with only 40% of the ERP cause interference.

To read these comments, and believe them as fact, is much like believing a pebble will total a car but a boulder will not even cause a dent.

There is just no logic that would prevent the FCC from opening 3rd adjacents to LPFM, even on a more conservative separation as minimum distance. Indeed, even 250 watts, as requested by some, is feasible and needed, especially in more rural areas.

### LOCAL PROGRAMMING FOR TRANSLATORS?

Why? To read the comments, one easily concludes translators are doing an exceedingly fine job as is. To allow those translators

that can to become 250 watt NCE stations, should be an option, permitting local programming.

## RECLASSING OF TRANSLATORS

I read with exceptional interest a comment suggesting three classes of translators and find the idea brilliant.

In those comments, Fill In translators would receive greatest protection, followed by those within 400 kilometers and the least protection offered distant translators. I am in agreement. I believe one would find that in almost every instance, especially with 3rd channel adjacents made available to LPFM and the option of contour to contour, no translator would need to be encroached by a LPFM.

## SHOULD LPFM BE SECONDARY TO NEW OR MOVE IN FULL POWER STATIONS?

I must ponder where the FCC should stop if you allow new and full power stations to displace Low Power FM stations. Should a 100,000 watt upgrade encroach on a 6,000 watt FM and displace it? Why not? If both the LPFM and 6,000 watt FM are providing a service to the community, how might the FCC justify encroachment on LPFM as a Primary station, but not the 6,000 watt FM. Why should a station be permitted to relocate to a tiny community in order to reach a metro and displace a community's only local radio service, in most instances?

We all know it is a joke when a full power station moves their city of license to a smaller community void of any local radio service. It is all a game. We know the full power station cannot support itself financially from this new community of license. What we get for local service on such 'move ins' is the name of the town mentioned on the station, usually very quickly, amid the 50 past stop set (ie: KLDE, Lake Jackson Houston quickly stated about :52 past followed by a jingle at the top of the hour with KLDE, Houston, sung). Does the FCC intend to offer preference to this style of local service over that of the LPFM promising at least 8 hours of local programming and a minimum 12 hour broadcast

day?

If LPFM is expected to respond to the community's needs, why then is it inferior to the full power station? Primary should be primary, period.

## RESTRICTING LPFM TO LOCAL ORGANIZATIONS

Let me ask the commenters a question: Is it factual that an applicant to the local police department that lives 100 miles away from your town should not be hired because they lack the ability of upholding the law in your town because they live 100 miles away?

When I moved from Dallas to Eagle Pass, I served the community of Eagle Pass. When I moved to Kerrville, Big Lake and other communities I did the same thing: serve the community through the radio station in that community. To say an applicant outside the community is not qualified is hogwash. Should the applicant be required to have a local presence? YES. To restrict applicants to the community served is discriminatory. I would certainly move to the community to spearhead the operation although at the time I applied for said station, my residence would be distant from said community.

## MULTIPLE OWNERSHIP OF LPFMS

LPFM has already seen 'network' style stations through the use of satellite fed Seventh Day Adventists, EWTN and Calvary Chapel's CSN affiliates. In most cases, except for the Legal ID on the hour, you get non-stop satellite. Through the programming connection, you have multiple ownership already.

I read comments about distance limits for LPFM ownership. In each instance, the commenter fails to understand the geographic conditions in the WHOLE nation. Some counties in the USA exceed the area of Rhode Island, sometimes nearly double. In some instances the closest town might be 60 miles away. I shall use the counties of Brewster and Presidio in West Texas. Both

counties share a great commonality. The hospital in Brewster County serves both counties. Marfa is 58 miles from Presidio, for example. The outposts of Terlingua, Lajitas, Big Bend National Park, Candelaria and other communities that could benefit from a common station in the form of multiple LPFMs. The list of expansive counties and areas with the same needs and concerns is fairly extensive. For the FCC to take such mileage limitations and number of stations a group could own as 'perfect' does a great injustice to those areas of greatest need for radio service of a local origin. The number of stations an organization may own and the distance from the home station or primary station should not be limited by simple mileage or number. As I said in my comments, LPFM is in a small box. For it to blossom, it needs options so it may adapt to the area's needs. Ruby Valley, Nevada is VERY different than Cookeville, Tennessee.

To cite a timely example, if commenters were indeed correct, it is then impossible for New Orleans and outlying communities to be served with local emergency information by their radio stations since these stations have had to regroup in Baton Rouge. We both know these broadcasters, although being 60 some miles away, are indeed in touch and working tirelessly to provide much needed information to their affected communities in the aftermath of Hurricane Katrina.

## COMMERCIAL LPFMS

I felt a read of the CRTC rules on Community Radio would be a good learning experience, shedding light on how our friends to the north, with many more years in their version of Low Power FM, work things.

I learned they allow non-profits to run commercials on their stations. There is no limit on the number of commercial announcements. They explain that this is so the small community station will not be hindered financially in their endeavor to serve their community.

Why is it a school yearbook can sell advertising to fund its



publication and a non-profit group can sell advertising in their newspaper to fund the publication, but a radio station run by a non-profit cannot say what the contributor wants to say on the radio? One would think the regulation and rules for a radio station which exceed those of other such ventures and add to the cost of operation could be offset by the sale of advertising. As I had suggested, a limit of 5 minutes per hour on average would offer ample opportunity.

Restricting such revenue to the 'fringe' coverage is not acceptable as stations such as KLDK in Dixon, New Mexico would enjoy NO advertising unless allowed to see advertising outside their 'fringe' in Espanola and Taos, where the listeners are required to shop due to a lack of businesses in Dixon.

## TRANSFER OF CONTROL

The non-profit organization is in a constant state of change. Board Members change. Non-Profits shift their focus. These are just two scenarios that create problems with the non-profit as a LPFM licensee. The FCC must allow flexibility. If the organization name is the same let the organization file an annual report listing the current board members. If the non-profit changes its focus, let them transfer th